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By: Joyce Brown
 Deputy Attorney General
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FILED

July 14, 2003

**NEW JERSEY STATE BOARD
 OF MEDICAL EXAMINERS**

IN THE PATTERN OF THE SUSPENSION }
 OR REVOCATION OF THE LICENSE OF }

CONSENT ORDER

KAILASH SINGHVI, M.D. }

TO PRACTICE MEDICINE AND SURGERY)
 IN THE STATE OF NEW JERSEY 3

This matter was opened to the State Board of Medical Examiners (the "Board") upon receipt of information that Kailash Singhvi, M.D. ("respondent") had surrendered his license to practice medicine in the State of New York. Specifically, a Surrender Order was entered on December 3, 2002 between respondent and the New York State Department of Health, State Board for Professional Medical Conduct, based upon respondent's committing professional misconduct in violation of N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently and in violation of N.Y. Educ. Law §6530(9)(a)(11) by having been convicted of committing an act constituting a crime under federal law for Conspiracy, in violation of Title 18, United States Code, Section 371 and Title 42, United States Code, Section 1320a-7b(b)(2); Payment of Kickbacks, in violation of Title 18, United States Code

Section 371 and Title 42, U.S.C. Section 1320a-7b(b)(2); Conspiracy, in violation of Title 18, U.S.C. Sections 371, 1035 and 1347; and Health Care Fraud, in violation of Title 18, U.S.C. section 1347. With regard to the criminal matter, respondent entered into a Plea Agreement on July 10, ²⁰⁰¹~~2000~~ with the Office of the United States Attorney for the Southern District of New York. Pursuant to the Pled Agreement, respondent has agreed to forfeit the sum of \$1,605,000.00 for reimbursement of the violations referenced Supra.

Having reviewed the entire record, including correspondence submitted by respondent's counsel, it appears to the Board that the above disciplinary action provides grounds to impose discipline on his license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(f) and (g). The Board's disciplinary action is based on respondent's surrender of licensure in the State of New York, (such surrender is tantamount to a suspension or revocation of licensure) which would give rise to discipline in this State.

It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 30th DAY OF Jun^y, 2003,
ORDERED THAT:

1. Respondent's license to practice medicine and surgery in the State of New Jersey is hereby voluntarily surrendered. Said voluntary surrender shall have the same effect as a revocation.

2. The Board shall not permit respondent to file an application for reinstatement of his New Jersey medical license for a period of three years from the entry date of this Order; however, the Board makes no representations regarding the results of any later application for reinstatement of licensure.

3. Respondent shall follow the Board's Directives for Licensees whose Surrender of Licensure Has Been Accepted, a copy of which is attached hereto and made a part hereof.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: _____

William V. Harrer M.D. B.L.D.
William V. Harrer, M.D., B.L.D.
Board President

I have read and understand
the contents of this Order and
agree to be bound by its terms.
Consent is hereby given to the
Board to enter this Order.

Kailash Singhvi
KAILASH SINGHVI, M.D.

6/19/2003
36 MELBY LANE
ROSELAND, NJ 07068

Consent as to form:

Jeffrey S. Brown
JEFFREY S. BROWN, ESQ.



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

Michael A. Gonzalez, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

PUBLIC

December 3, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Kailash Chand Singhvi, M.D.
36 Melby Lane
Roslyn, NY 11576

RE: License No. 147756

Dear Dr. Singhvi

Enclosed please find Order #BPMC 02-362 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect December 3, 2002.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12380.

Sincerely,

Ansel R. Marks, M.D., J.D.

Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: Alexander G. Bateman, Jr.
Ruskin, Moscou, Evans & Faltischek, P.C.
East Tower, 15th Floor
190 EAB Plaza
Uniondale, NY 11556-0190

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
KAILASH CHAND SINGHVI, M.D.

SURRENDER
of
LICENSE

KAILASH CHAND SINGHVI, M.D., **representing** that all of the following statements **are** true, **deposes and says**:

That on or **about October 2, 1981**, I was **licensed** to practice **as a physician** in the **State of New York**, and **issued License No. 147756 by the New York State Education Department**.

My current **address** is ~~7 Heritage Court, Old Brookville, N.Y. 11548~~ ^{36 MELBY LANE, ROSLYN, N.Y. 11576}, and I will advise the Director of the Office of **Professional Medical Conduct** of any change of **address**.

I understand that **the New York State Board for Professional Medical Conduct** **has charged me** with two **specifications of professional misconduct**.

A copy of **the Statement of Charges**, marked as Exhibit "A", **is attached** to and part of this Surrender of **License**.

I am applying to the State **Board** for Professional Medical Conduct for **permission** to surrender my **license as a physician** in the **State of New York** on the grounds that I **do not contest the First and Second Specifications**, in full satisfaction of the charges **against me**.

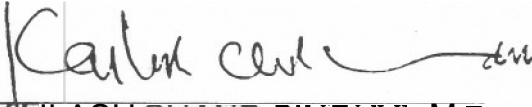
I **ask the Board** to accept the **Surrender** of my **License**.

I understand that if the **Board does** not accept this Surrender, none of **its** term shall bind **me** or constitute **an** admission of any of **the acts** of **alleged** misconduct; this application **shall not be used against me** in any way and shall be kept in strict confidence; **and the Board's denial** shall be without **prejudice** to the pending disciplinary **proceeding and the Board's** final determination pursuant to the Public Health Law.

I agree that, if the **Board accepts** the **Surrender** of my License, the Chair of the Board **shall issue** a Surrender Order in accordance **with its terms**. I agree that this Order shall **take effect upon its issuance by the Board, either by** mailing of a copy of **the Surrender Order by first class mail to me at the address** in this Surrender of License, or to my attorney **by certified mail, OR upon facsimile** transmission to **me** or my attorney, whichever is first.

I ask the Board to **accept this Surrender of License of my own free will and** not under **duress, compulsion** or restraint. In consideration of the value to **me** of the Board's acceptance of this **Surrender** of License, **allowing me to resolve** this matter without the various **risks and burdens** of a hearing **or the merits**, I knowingly **waive my** right to **contest** the Surrender **Order** for which I **apply**, whether administratively or judicially, and I agree to **be bound by** the Surrender **Order**.

DATED 11/12/2002

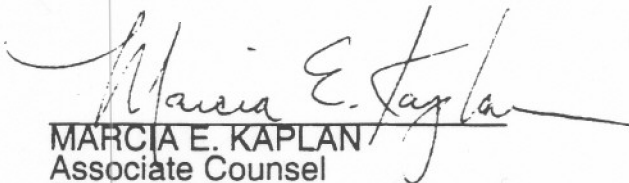

KAILASH CHAND SINGHVI, M.D.
RESPONDENT

The **undersigned agree to Respondent's** attached Surrender of License **and** to its **proposed** penalty, terms and conditions.

DATE: 11/14/02


ALEXANDER G. BATEMAN, JR., ESQ.
Attorney for Respondent

DATE: Nov. 20, 2002


MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 11/20/2002


DENNIS GRAZIANO
Director
Office of Professional Medical Conduct

EXHIBIT "A"

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
KAILASH CHAND SINGHVI, M.D.

STATEMENT
OF
CHARGES

KAILASH CHAND SINGHVI, M.D., **the Respondent**, was authorized to practice medicine in **New York State** on or about October 2, 1981, **by the issuance** of license number 147756 **by the New York State Education Department**.

FACTUAL ALLEGATIONS

- A. During **the period** from in or about **1984** through in or **about** 2000, **in** the State of **New York**, **Respondent** knowingly participated in a conspiracy, **in** which **Respondent repeatedly paid and directed** others to **pay kickbacks** to various doctor co-conspirators **in return** for **the referral** of Medicare patients to **Respondent** so that **Respondent could obtain Medicare payments**. During periods from in or about 1996 through **in** or about 1999, **Respondent** knowingly conspired with **others and** submitted **false and** fraudulent claims **seeking** reimbursement **by Medicare and private** insurance.
- B. On or about **August 27, 2001**, Respondent **was convicted** of committing an act constituting **a crime under federal law upon his plea of guilty in the U.S.** District Court, Southern District of New York, to **the** following felony counts, **based** upon the facts **alleged** in **paragraph A above**: Conspiracy, in violation of **Title 18, U.S.C. Section 371 and Title 42, U.S.C. Sec. 1320a7b(2)**; Payment of **Kickbacks**, in violation of **Title 18, U.S.C. Section 371 and Title 42, U.S.C. Sec. 1320a7b(2)**; Conspiracy, **in** violation of **Title 18, U.S.C. Sections 371, 1035 and 1347**; and **Health Care Fraud**, in violation of **Title 18, U.S.C. Section 1347**.

212 285 5135 F.02/02

SPECIFICATION OF CHARGES

FIRST SPECIFICATION
FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraph A.

SECOND SPECIFICATION
FEDERAL CRIMINAL CONVICTION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law as alleged in the facts of the following:

2. Paragraphs A and B.

DATED: November? *a* 2002
New York, N^w York


Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

GUIDELINES FOR CLOSING A MEDICAL PRACTICE FOLLOWING A REVOCATION, SURRENDER OR SUSPENSION (of 6 months or more) OF A MEDICAL LICENSE

1. Respondent shall immediately cease and desist the practice of medicine in compliance with the terms of the Surrender Order. Respondent shall not represent himself or herself as eligible to practice medicine and shall refrain from providing an opinion as to professional practice or its application.
2. Within fifteen (15) days of the Surrender Order's effective date, Respondent shall notify all patients that he or she has ceased the practice of medicine, and shall refer all patients to another licensed practicing physician for their continued care, as appropriate.
3. Within thirty (30) days of the Surrender Order's effective date, Respondent shall have his or her original license to practice medicine in New York State and current biennial registration delivered to the Office of Professional Medical Conduct (OPMC) at 433 River Street Suite 303, Troy, NY 12180-2299.
4. Respondent shall arrange for the transfer and maintenance of all patient medical records. Within thirty (30) days of the Surrender Order's effective date, Respondent shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate contact person, acceptable to the Director of OPMC, who shall have access to these records. Original records shall be retained for patients for at least six (6) years after the last date of service, and, for minors, at least six (6) years after the last date of service or three (3) years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall ensure that all patient information is kept confidential and is available only to authorized persons. When a patient or authorized representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or sent at reasonable cost to the patient (not to exceed seventy-five cents per page.) Radiographic sonographic and like materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of inability to pay.
5. Within fifteen (15) days of the Order's effective date, if Respondent holds a Drug Enforcement Agency (DEA) certificate, Respondent shall advise the DEA in writing of the licensure action and shall surrender his or her DEA controlled substance certificate, privileges, and any used DEA #222 U.S. Official Order Forms Schedules 1 and 2, to the DEA.
6. Within fifteen (15) days of the Order's effective date, Respondent shall return any unused New York State official prescription forms to the Bureau of Controlled Substances of the New York State Department of Health. Respondent shall have all prescription pads bearing Respondent's name destroyed. If no other licensee is providing services at his practice location, Respondent shall dispose of all medications.

7. Within fifteen (15) days of the Order's effective date, Respondent shall remove from the public domain any representation that Respondent is eligible to practice medicine, including all related signs, advertisements, professional listings whether in telephone directories or otherwise, professional stationery or billings. Respondent shall not share, occupy or use office space in which another licensee provides health care services.

8. Respondent shall not charge, receive or share any fee or distribution of dividends for professional services rendered (by himself or others) while barred from practicing medicine. Respondent may receive compensation for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.

9. If Respondent is a shareholder in any professional service corporation organized to engage in the practice of medicine and Respondent's license is revoked, surrendered or suspended for six (6) months or more pursuant to this Order, Respondent shall, within ninety (90) days of the Order's effective date, divest himself/herself of all financial interest in such professional services corporation in accordance with New York Business Corporation Law. If Respondent is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within ninety (90) days of the Order's effective date.

10. failure to comply with the above directives may result in civil or criminal penalties. Practicing medicine when a medical license has been suspended, revoked or annulled is a Class E Felony, punishable by imprisonment for up to four (4) years, under Section 651.2 of the Education Law. Professional misconduct may result in penalties including revocation of the suspended license and/or fines of up to \$10,000 for each specification of misconduct, under Section 230-a of the Public Health Law.

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
HAS BEEN ACCEPTED**

APPROVED BY THE BOARD ON MAY 10, 2000

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the Addendum to these Directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture shall occur within 90 days following the entry of the Order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of

general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board **the** name and **telephone number** of the contact **person** who **will** have **access to medical records** of former **patients**. Any change in that individual or his/her telephone number shall be promptly **reported** to the Board. When a patient or **his/her** representative **requests** a copy of his/her medical record or **asks** that record **be forwarded** to **another health** care provider, the **licensee** shall promptly **provide** the record without charge to **the** patient.

5. Probation/Monitoring Conditions

With respect to any licensee **who** is the subject of **any** Order imposing a probation or monitoring requirement or a stay of an active suspension, **in** whole or **in part**, which is conditioned upon compliance with a **probation** or monitoring **requirement**, the **licensee** shall fully cooperate with the Board and its **designated** representatives, including the Enforcement Bureau of **the** Division of Consumer **Affairs**, in ongoing monitoring of **the** licensee's **status and** practice. Such monitoring **shall be at the expense** of the disciplined practitioner.

(a) Monitoring of practice conditions **may** include, but **is** not limited to, inspection of **the** professional premises and equipment, **and** inspection and copying of patient records (confidentiality of patient identity shall **be** protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing **releases** permitting unrestricted access **to records** and other information to the extent permitted **by law** from any treatment facility, other treating practitioner, **support** group or other individual/facility **involved in the** education, treatment, monitoring or oversight of the practitioner, or maintained **by** a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate **by** responding to a demand for breath, **blood**, urine **or** other sample in a timely manner and providing the designated sample.

ADDENDUM

Any licensee who ~~is~~ the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number: _____

List the Name and Address of any and all Health Care Facilities with which you are affiliated:

List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

¹ Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to **N.J.S.A. 52:14B-3(3)**, all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which **revokes** or suspends (or otherwise restricts) a license,
- (2) Which **censures, reprimands or places on probation,**
- (3) **Under** which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to **N.J.S.A. 45:9-19.13**, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.